



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF APPEALS & PATENT INTERFERENCES

*Fee  
purpose  
only*

Applicants: R.K. Bakshi, et al.  
Serial No.: 09/990,499 (Case No. 20385YDA)  
  
Filed: November 21, 2001  
  
For: SUBSTITUTED PIPERIDINES AS  
MELANOCORTIN-4 RECEPTOR  
AGONISTS

Art Unit:  
1625

Examiner:  
D. M. Seaman

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

BRIEF ON APPEAL

Sir:

Whereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

**MERCK & CO., INC.**

*By Denise K. Brown Date 4-9-2004*

The present Brief is submitted in triplicate under the provisions of 37 C.F.R. 1.192 in support of an appeal from the final rejection of the above-cited application dated December 2, 2003. The Notice of Appeal was timely filed on March 1, 2004. Appellants hereby respectfully seek to have the rejections of pending Claims 39-75 overturned.

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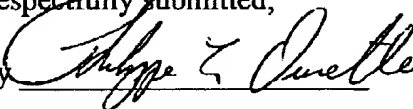
REAL PARTY IN INTEREST

The present application has been assigned to Merck & Co., Inc. of Rahway, New Jersey, by assignment recorded at the U.S. Patent and Trademark Office on January 8,

SUMMARY

For the foregoing reasons, Appellants maintain that their application contains a written description of the invention in sufficient terms to allow one skilled in the art to know what was invented and thus were in possession of the claimed invention at the time the application was filed and, moreover, that their specification fully enables one skilled in the art to make and use the claimed invention without undue experimentation. It is therefore respectfully requested that the Board of Appeals reverse the Examiner's rejection of Claims 39-73 and 73-75 under 35 U.S.C. §112, first paragraph.

Respectfully submitted,

By 

Philippe L. Durette

Reg. No. 35,125

Attorney for the Appellants

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Date: April 9, 2004

AT 10/25/01

Approved for use through 07/31/2006. OMB 0651-0032  
U. S. Patent and Trademark Office: U. S. DEPARTMENT OF COMMERCE  
SUBSTITUTE for PTO/SB/17(10-03) "FEE TRANSMITTAL for FY 2003"



# FEE TRANSMITTAL

Patent fees are subject to annual revision.

## Complete if Known

Application Number	09/990,499
Filing Date	November 21, 2001
First Named Inventor	R. K. Bakshi, et al.
Examiner Name	D. M. Seaman
Group Art Unit	1625
Attorney Docket Number	20385YDA

TOTAL AMOUNT OF PAYMENT \$330

## METHOD OF PAYMENT

☒ Deposit Account

Deposit Account Number 13-2755

Deposit Account Name Merck & Co., Inc.

The Director is authorized to:

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) during the pendency of this application

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
1001	770	Utility filing fee	
1002	340	Design filing fee	
1004	770	Reissue filing fee	
1005	160	Provisional filing fee	

SUBTOTAL(1) \$0

### 2. EXTRA CLAIM FEES

	Extra	Fee from below	Fee Paid
Total Claims 20 ** = 0 x \$18 = 0			
Independent Claims 3 ** = 0 x \$86 = 0			
Multiple Dependent Claims \$290 =			

\*\*or number previously paid, if greater; For Reissues, see below

Large Fee Code	Entity Fee (\$)	Fee Description
1202	18	Claims in excess of 20
1201	86	Independent claims in excess of 3
1203	290	Multiple dependent claim, if not paid
1204	86	**Reissue independent claims over original patent
1205	18	**Reissue claims in excess of 20 and over original patent

SUBTOTAL(2) \$0

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Fee Code	Large Entity Fee (\$)	Fee Description	Fee Paid
1051	130	Surcharge - late filing fee or oath	
1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1251	110	Extension for reply within first month	
1252	420	Extension for reply within second month	
1253	950	Extension for reply within third month	
1254	1,480	Extension for reply within fourth month	
1255	2,010	Extension for reply within fifth month	
1401	330	Notice of Appeal	
1402	330	Filing a brief in support of an appeal	330
1403	290	Request for oral hearing	
1452	110	Petition to revive - unavoidable	
1453	1,330	Petition to revive - unintentional	
1501	1,330	Utility issue fee (or reissue)	
1502	480	Design issue fee	
1460	130	Petitions to the Commissioner	
1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	Submission of Information Disclosure Statement	
8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	Request for Continued Examination (RCE)	
Other fee (specify) _____			
Other fee (specify) _____			
SUBTOTAL(3)			\$330

## SUBMITTED BY

Typed or Printed Name Melvin Winokur  
Signature   
Date 04/09/2004

## Complete (if applicable)

Reg. Number 32,763  
Deposit Account User ID

IN DUPLICATE

Computer generated form "Miscellaneous Fee Sheet" (FEES Folder). Merck & Co., Inc. 10/1/2003